

CIVIL RIGHTS IMPACT ANALYSIS  
INTERIM RULE:  
**CONSERVATION STEWARDSHIP  
PROGRAM**  
NATURAL RESOURCES CONSERVATION SERVICE  
US DEPARTMENT OF AGRICULTURE

This review evaluates the Conservation Stewardship Program (CSP) Interim Rule 2018 for actual or potential civil rights issues. The review analyzes the Interim Rule to ensure compliance with Departmental Regulation (DR) 4300-4, "Civil Rights Impact Analysis"; 7 C.F.R. part 15, "Nondiscrimination in Programs and Activities Conducted by the United States Department of Agriculture"; and DR 1512, "Regulatory Decision-Making Requirement." The review reveals no factors indicating that the CSP Interim Rule would have a disproportionate adverse civil rights impact on NRCS producers of any gender, racial, or ethnic group or on NRCS producers with a disability.

## **BACKGROUND**

CSP is a voluntary nationwide program implemented under the general supervision and direction of the Chief of NRCS that encourages agricultural and forestry applicants—individuals, legal entities, joint operations, Indian Tribes, Alaskan Natives corporations—in the United States, Caribbean, Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands to address priority resource concerns by: (1) undertaking additional conservation activities and (2) improving, maintaining, and managing existing conservation activities. CSP provides financial and technical assistance to help land stewards conserve and enhance soil, water, air and related natural resources on their land.

CSP is available to all producers, regardless of operation size or crops produced. Eligible lands include cropland, grassland, prairie land, improved pastureland, rangeland, nonindustrial private forest land, agricultural land under the jurisdiction of an Indian tribe, and other agricultural lands including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock on which resource concerns related to agricultural production could be addressed. CSP encourages land stewards to improve their conservation performance by installing and adopting additional activities, and improving, maintaining, and managing existing activities on eligible land.

## **LEGISLATIVE CHANGES**

The Agriculture Improvement Act of 2018 (2018 Act) moved CSP from Subchapter B, Chapter 2 of Subtitle D of Title XII of the Food Security Act of 1985 to a new Subchapter B, Chapter 4 of Subtitle D of Title XII of the Food Security Act of 1985; and then repealed Subchapter B, Chapter 2 as amended. The 2018 Act made the following changes to CSP program requirements:

- Confirms validity of CSP contracts entered into prior to the 2018 Act enactment, provides for extension of such contracts that were due to expire on or before December 31, 2019, and authorizes renewal of such contracts only through the new CSP authority.

- Defines new terms and adjusts existing terms, including expanding the definition of “Conservation Activities” and defining the term “Stewardship Threshold.”
- Simplifies CSP ranking criteria and requires that both new contracts and contract renewals be ranked based on those criteria.
- Adds criterion that if two or more applications receive the same ranking, the applications will be ranked based on the extent to which actual and anticipated conservation benefits from each contract are provided at the lowest cost relative to other similarly beneficial offers.
- Identifies that participants may be given the opportunity to renew in the first half of the fifth year of the contract.
- Program allocations are to be based on funds rather than acres and eliminates the \$18/acre national average.
- Incentivizes certain activities, including authorizing payment for cover crop activities at not less than 125% of the annual payment amount, and authorizing a supplemental payment for advanced grazing management or resource conserving crop rotations at not less than 150% of the annual payment amount.
- Provides for a one-time payment to participants who agree to develop a comprehensive conservation plan.
- Establishes a \$200,000 payment limitation for individuals and legal entities for all contracts entered into during FY 2019 through 2023.
- Requires that states be given a fund allocation to support organic production and transition to organic production based on the certified and transitioning organic operations of the state and the organic acres of the state.
- Requires that CSP be streamlined and coordinated with EQIP, including applications, contracting, conservation planning, conservation practices, and related administrative procedures.
- Requires that, to the extent practicable, the program be managed to enhance soil health.
- Requires submission of an annual report to Congress on payment rates along with an analysis of whether payment rates can be reduced for the most expensive conservation activities.
- Authorizes a CSP –Grasslands Conservation Initiative to assist producers with certain base acres in protecting grazing land uses and makes several waivers of program requirements to facilitate the enrollment of contracts under the initiative.
- Authorizes funding for CSP at:
  - \$700,000,000 for FY2019
  - \$725,000,000 for FY2020
  - \$750,000,000 for FY2021
  - \$800,000,000 for FY2022
  - \$1,000,000,000 for FY2023

NRCS seeks to publish an interim rule to incorporate the 2018 Act changes to CSP program administration. This action is pursuant to Section 1246 of the Food Security Act of 1985 which requires development of regulations under Title XII of the Food Security Act through an interim rule with request for comments.

Section 2504 of the 2018 Act identifies that NRCS may implement the Farm Bill conservation provisions under their current regulations to the extent that such regulations are consistent with the 2018 Act provisions. This interim administration authority expires September 30, 2019. NRCS is also simplifying the administrative complexity of CSP by streamlining the regulation to focus further upon only those provisions that relate to conservation program participants rights and responsibilities under

the program.

## **CIVIL RIGHTS IMPACT ANALYSIS**

The Civil Rights Impact Analysis (CRIA) is directed towards the identification of actual or potential civil rights issues. The purpose is to identify any disparate impact the CSP Rule will have on affected groups and rationally and reasonably dispose of each. Disparate impact occurs when a recipient uses a policy or practice that, while neutral on its face and applicable to everyone, disproportionately and adversely affects members of a protected group and the recipient can articulate no substantial legitimate justification. The theory of disparate impact does not require proof of discriminatory intent, but centers around the adverse effect(s) that a policy or practice has on protected groups.

The analysis evaluated the extent to which various populations are affected by the rule, and how the impact is manifested. It includes: (A) general provisions; (B) administration and development; (C) historical participation data; (D) eligibility criteria; (E) outreach strategy; (F) barrier removal provisions; (G) conclusion; and (H) NRCS Civil Rights Director's certification. The examination sought to determine if all the affected groups:

- are provided the same opportunities to participate in the decision-making or rulemaking process for CSP,
- have historically been provided the same opportunities to participate in NRCS programs, and
- are provided the same information to decide if they wish to participate in the CSP.

### **A. General Provisions**

The CSP helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resource concerns. Through CSP, participants implement additional conservation activities to improve the resource conditions on their land. The conservation activities available to participants address several priority resource concerns including soil erosion, soil quality degradation, air quality impacts, degraded plant condition, water quality degradation, excess water, insufficient water, fish and wildlife inadequate habitat, livestock production limitation, and inefficient energy use. CSP provides payments through five (5) year contracts; annual payments for installing new conservation activities and maintaining existing practices; supplemental payments for adopting a resource-conserving crop rotation or advanced grazing management; and minimal payments determined equitably by the Chief.

### **B. Administration and Development**

The regulations in this part will be administered under the general supervision and direction of the Chief, NRCS. The rule states:

- (a) No delegation in the administration of the regulation to a lower organizational level shall preclude the Chief from making any determinations under the rule. The Chief may modify or waive a non-statutory, discretionary provision if the Chief determines the application of that provision to a particular limited situation to be inappropriate and inconsistent with the purposes of the program; or (2) the waiver of such provision is necessary to further the purposes of CSP under the Regional Conservation Partnership Program authorized by Subtitle I, Title XII of the Food Security Act of 1985 (1985 Act).

- (b) To achieve the conservation goals of CSP, the NRCS will:
  - (1) Make the program available nationwide to eligible producers on a continuous application basis with one or more ranking periods to determine enrollments. One ranking period shall occur in the first quarter of each fiscal year to the extent practicable;
  - (2) Establish a scientific-based stewardship threshold for each priority resource concern.

- (c) NRCS will:
  - develop state level technical, outreach, and program materials, with the advice of the State Technical Committee and local working groups including: the establishment of ranking pools; the identification of not less than five applicable priority resource concerns for a geographic area or region within a state; and the identification of resource-conserving crops that will be part of a resource-conserving crop rotation.

- (d) NRCS may enter into agreements with federal agencies, state and local agencies, conservation districts, Indian Tribes, private entities, and individuals to assist NRCS with educational efforts, outreach efforts, and program implementation assistance.

### **C. Historical Participation Data**

Although historical data reflecting participation in CSP has been maintained, the data reporting has been deemed unreliable, especially as it relates to persons with disabilities. Program participant reporting of demographic information is voluntary and third-party reporting is allowed by agency employees. Program participants are not required by law to identify disability as a condition of participation. Therefore, due to the unreliability of the historical data maintained, a comprehensive barrier analysis on program participation could not be conducted.

NRCS works primarily with three key operational databases: ProTracts, the National Easements Staging Tool (NEST), and the Financial Management Modernization Initiative (FMMI). In addition to these datasets, NRCS also works with agency data stewards for the National Conservation Planning and Agreements Database (NPAD) database.

ProTracts is NRCS's primary software application for managing several financial assistance programs. This application is used to help manage the ranking and funding of applications and to carry out the contract development process. Agency data is captured at the end of each quarter and includes basic performance, i.e., number of program applications, contracts and acres. Race, ethnicity, and sex data specific to the participant are available through the link to the Service Center Information Management System that contains information for each customer.

The Census of Agriculture accounts for all U.S. farms and ranches and the people who operate them. The USDA National Agricultural Statistics Service's (NASS) 2012 Census data reports that there is a total of 2,109,303 Principal Operators. They also report the following National Selected Principal Operator numbers for the various Equal Opportunity (EO) groups.

## Total Operators by Equal Opportunity Groups

Total Operators	2,109,303
Male Operators	1,821,039
Female Operators	288,264
White Operators	2,012,652
Black Operators	33,371
Hispanic Operators	99,734
American Indian Operators	37,851
Asian Operators	13,669
Native Hawaiian (Pacific Island) Operators	1,468
Operators with More than 1 race	10,292

The following CSP participation data for the period FY 2015-2017 has been supplied and the calculation of the percentage of Principal Operators is based on the NASS reported in the 2012 Census data for each of the groups. It should be noted that program participation rates in the following charts refer to contracts, not applications; applicants are potential eligible operators. The program participation numbers are incomplete in that they do not include persons or business entities that did not report race or gender. However, a review of the program participation data maintained indicates that program parity is relative to the NASS data.

### FY 2015

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Contracts	12,577	1,621	399	19	240	118	15,819
Funds Awarded*	\$173,498,422	\$25,668,092	\$8,612,644	\$204,506	\$1,242,963	\$1,630,714	\$256,599,905
Percentage of Principal Operators in the United States	89%	11%	2.40%	0.11%	1.45%	0.71%	95.32
Percentage of Dollars Awarded	87%	13%	3.21%	0.08%	0.46%	0.61%	95.64%
Average Funding per Contract*	\$13,794.90	\$15,834.73	\$21,585.57	\$10,763.47	\$5,179.01	\$13,819.61	\$16,220.99
Acres	13,651,040.8	2,535,489.2	1,480,823.5	13,829.6	49,876.3	265,503.7	21,342,617.1
Cost/Acres*	\$12.71	\$10.12	\$5.82	\$14.79	\$24.92	\$6.14	\$12.02

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Applications	28,480	3,413	771	35	437	273	36,180
Number Approved	12,637	1,629	400	19	241	119	15,890
Percentage Approved	44%	48%	52%	54%	55%	44%	44%

The FY 2015 data indicates that Whites are participating in greater numbers than any other group. They are also filing the most applications and receiving the most contracts; however, the application approval rates indicate American Indian, African American, Asian American, and Hispanics approval rates are higher and equal to White Operator applications. Approval rate for Females is higher than the approval rate for White Operators. Because Hispanic is an ethnicity as opposed to a racial designation, NRCS believes that some of the White operators may also be Hispanic.

#### FY 2016

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Contracts	9,041	1,103	338	14	223	107	11,238
Funds Awarded*	\$125,844,667	\$16,260,888	\$6,186,640	\$108,303	\$1,212,955	\$1,358,643	\$184,266,025
Percentage of Principal Operators in the United States	89%	11%	2.84%	0.12%	1.87%	0.90%	94.28%
Percentage of Dollars Awarded	89%	11%	3.20%	0.06%	0.63%	0.70%	95.41%
Average Funding per Contract*	\$13,919.33	\$14,742.42	\$18,303.67	\$7,735.93	\$5,439.26	\$12,697.60	\$16,396.69
Acres	10,328,360.9	1,736,449.4	1,069,510.9	6,368.6	50,211.3	177,745.2	15,414,465.1
Cost/Acres*	\$12.18	\$9.36	\$5.78	\$17.01	\$24.16	\$7.64	\$11.95

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Applications	22,309	2,594	727	33	423	220	27,979
Number Approved	9,082	1,110	341	14	223	107	11,288
Percentage Approved	41%	43%	47%	42%	53%	49%	40%

The FY 2016 data trend also indicates that White Operators submitted the most applications and contracts, significantly outnumbering other groups. The trend in application approval rates FY 2016 shows that White Operators had the lowest application approval rate, and all other groups including Females had higher approval rates than White Operators in applications submitted; however, some White Operators may also be of Hispanic ethnicity.

#### FY2017

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Contracts	9,121	1,148	279	7	212	267	11,321
Funds Awarded*	\$106,238,507	\$13,537,018	\$4,453,644	\$94,053	\$1,107,703	\$3,536,520	\$152,572,467
Percentage of Principal Operators in the United States	89%	11%	2.31%	0.06%	1.75%	2.21%	93.67%
Percentage of Dollars Awarded	89%	11%	2.75%	0.06%	0.68%	2.19%	94.32%
Average Funding per Contract*	\$11,647.68	\$11,791.83	\$15,962.88	\$13,436.14	\$5,225.01	\$13,245.39	\$13,476.94
Acres	9,691,271.1	1,475,122.6	936,057.1	4,156.4	44,361.9	505,473.9	21,342,617.1
Cost/Acres*	\$10.96	\$9.18	\$4.76	\$22.63	\$24.97	\$7.00	\$7.15

CSP	Male	Female	American Indian	Asian American	African American	Hispanic	White
Number of Applications	19,595	2,565	647	27	443	521	24,317
Number Approved	9,140	1,149	279	7	213	267	11,344
Percentage Approved	47%	47%	43%	26%	48%	51%	47%

\*An analysis of barriers to minority participation has revealed that, overall, minority farmers have less acreage. So, because their holdings are smaller, the total cost to apply conservation practices across their entire operation to address their resource concerns would typically be lower in total cost. In contrast, white farmers have more acreage and because their holdings are larger, the total cost to apply conservation practices across their entire operation to address their resource concerns would typically be higher total in cost.

In FY 2017, although White Operators filed the most applications and received the most contracts, their approval rate was lower than African Americans and Hispanics and equal to Females. Hispanic Operators had the highest approval rate followed by African American Operators.



### **Average Farm Acres by REG Group (NASS 2012 Census Data)**

Total Farm Average Acres	434
Female Operators	217
White Operators	424
Black Operators	125
Hispanic Operators	374
American Indian Operators	1,021
Asian Operators	135
Native Hawaiian (Pacific Island) Operators	241

Evaluation of the three-year trend for funds awarded reveals no apparent connection between race and contract or application rates. Every year, White Operators received the bulk of funds because they are participating in greater number than any other group. However, the application approval rates for Minority Operators indicated over the three-year trend higher and in some cases equal to the White Operators approval rates. Asian Americans are the smallest participating group in CSP. This may be influenced by several factors such as language, type of operation owned, as well as acres owned. In addressing the lower participation rates of Asian American Operators, NRCS is working in accordance with Limited English Proficiency (LEP) guidelines to ensure outreach materials are available in other languages and in alternative formats for all Minority Operators. The program is implemented by use of multi-year contracts and outreach will be targeted to potentially eligible landowners that may not be aware of the program.

The NASS demographic data indicates that "farms with Hispanic and Asian Operators" tend to be slightly smaller than farms overall. Eighty percent of farms with Hispanic Principal Operators had fewer than 180 acres. Additionally, Hispanic farmers were on their current farms less than 10 years. However, statistics show that once a Hispanic or Asian farmer participates in one USDA program, they are as likely as other farmers to participate in other USDA programs.

Over the three-year trend there were increased approval rates for Minority Operators. NRCS believes it can be connected to the national target of setting aside five percent of CSP acres for socially disadvantage farmers and ranchers and an additional five percent of CSP acres for beginning farmers and ranchers.

#### **D. Eligibility Criteria**

A producer or landowner must meet application eligibility requirements and the land must be deemed eligible per 7 C.F.R. part 1470. Applicants may include individuals, legal entities, joint operations, or Indian tribes that meet or exceed the stewardship threshold for at least two (2) priority resource concerns when application is made. Applicants must also agree to meet or exceed the stewardship threshold for at least one (1) additional priority resource concern by the end of the contract. Producers must have effective control of the land for the term of the proposed contract. Contracts include all eligible land in the agricultural operation.

Producers may be able to renew a contract if they have successfully fulfilled the initial contract and agree to achieve additional conservation objectives. Payments are made as soon as practical after October 1 of each fiscal year for contract activities installed and maintained in the previous fiscal year.

Eligible lands include private and Tribal agricultural lands, cropland, grassland, pastureland, rangeland, and nonindustrial private forest land. CSP is available to all producers, regardless of operation size or type of crops produced, in all 50 states, the District of Columbia, and the Caribbean and Pacific Island areas.

Certain lands have been deemed ineligible including land enrolled in a wetland reserve easement through the Agricultural Conservation Easement Program and the Conservation Reserve Program. Land that is used for crop production after December 20, 2018, the date of enactment of the Agricultural Improvement Act of 2018, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding the date is also ineligible for enrollment in CSP unless the land was: previously enrolled in the Conservation Reserve Program; maintained using long-term rotations, such as hayland in rotation; or incidental land needed for the efficient operation of the farm or ranch. An example of incidental land that may be eligible for payment, is land that had been used for buildings which have been removed in order to convert the land to crop production to square up a cropland field.

## **E. Outreach Strategy**

### **Purpose**

This outreach plan focuses on Historically Underserved audiences and tribal partners. It identifies messages, and approaches that the USDA Natural Resources Conservation Service (NRCS) will utilize to provide proactive and strategic outreach for NRCS voluntary conservation programs as identified in the 2018 Farm Bill.

### **Background**

Outreach is an integral part of the overall delivery of the NRCS programs and services to customers and potential beneficiaries. NRCS conducts business to ensure that all programs and services are made equally accessible to all customers, with emphasis on the traditionally underserved, minority-serving institutions and persistent poverty communities. Outreach allows NRCS to be creative and innovative in the way the agency achieves its mission of 'HELPING PEOPLE, HELP THE LAND'. NRCS considers outreach as an ongoing informational campaign designed to educate the public and make them aware of who we are and what we do.

NRCS works in coordination with other USDA and Federal agencies to ensure that we are consistent with our outreach approach to serve Historically Underserved (HUS) producers and populations in rural and urban America.

NRCS continues to collaborate and work with a variety of Community Based Organizations (CBO) to include Asian, Hispanic, and African American serving institutions, Tribes, Tribal Entities, Federal and State agencies and other groups that have a similar interest to ensure that the 2018 Farm Bill and all provisions are made available to all that apply and meet the required program eligibility.

The 2017 U.S. Department of Agriculture Census of Agriculture will serve as the basis for identifying the historically underserved populations with the most critical conservation needs and assist in targeting outreach program assistance.

## GOALS

- Increase by 30 percent the number of strategic outreach partnership agreements to assist with promoting NRCS financial assistance conservation programs to historically underserved populations. To be completed by January 1, 2020. This goal will be evaluated annually based on needs and available funding.
- Increase by 10 percent the number of eligible program applications received from historically underserved populations using FY 2018 application data as the baseline. To be completed by November 30<sup>th</sup> of each year.
- Ensure that all NRCS 2018 Farm Bill programs and services are made accessible to all customers, fairly and equitably, with emphasis on reaching underserved and socially disadvantaged farmers or ranchers and landowners including veterans, tribes and tribal members. Ongoing.
- Educate and inform NRCS employees regarding the unique nature of working with Historically Underserved and tribal audiences. Ongoing. Will occur at State meetings and during scheduled VTC's with States.
- Educate and inform existing NRCS customers and potential new NRCS customers on NRCS conservation programs available to them through the 2018 Farm Bill using plain, understandable language. Ongoing.
- Tailor Farm Bill outreach messages and products to specific audience needs, for example providing translated materials, graphically-enhanced materials, and readable, common-sense messaging. Ongoing. Will develop as needs are identified.
- Successfully obligate Farm Bill financial and technical assistance dollars to align with USDA Strategic Goals. Ongoing.
- Value of Conservation: Highlight the value of private lands conservation and the important role that agricultural producers play in voluntarily conserving the nation's resources. Ongoing.

## PROCESS

NRCS staff must use every imaginative tool possible to enlighten and assist agricultural producers attain their economic, natural resource and environmental goals. The agency is aware which States have some of the oldest median age of agricultural producers in the United States. An aging population, advances in agricultural technology, and long-standing customs, tradition, and Tribal hierarchy require a balance of traditional or 'old school' with ground-breaking or 'new wave' approaches to working with the NRCS customers.

The agency structure at the State level consists of one State Outreach Coordinator to provide advice and recommendations to the State Conservationist on State specific outreach priorities. The National Outreach & Partnership Division (OPD) will work with the Outreach State coordinators to provide general and specific techniques that are flexible and beneficial to the success and outcome of our conservation program participation and services. State Outreach Coordinators should work with the OPD staff to implement training tools and techniques that are transparent and can be synchronized with the Outreach training course.

NRCS will continue to collaborate at the national and local level with community-based organizations through cooperative partnership agreements which assist new immigrant farmers, specialty crop farmers, and limited resource and socially-disadvantaged farmers and ranchers with

technical assistance, on-site demonstrations, program awareness, inner-city urban agriculture, land loss prevention, and training opportunities.

NRCS will continue to partner with tribal entities to conduct face-to-face educational meetings and workshops with tribes and their members to further explain 2018 Farm Bill programs. These entities will not only assist with identifying barriers within the 2018 Farm Bill that impede tribes and their members from participation in programs and will also provide the agency with verifiable data that will assist agency leadership in making sound decisions that will limit major program participation obstructions.

## **KEY MESSAGES**

NRCS has knowledgeable staff and strong partners who can assist producers to understand the changes in the 2018 Farm Bill for them to address any barriers that may impede a producer's or tribes' participation.

Understanding the 2018 Farm Bill and all provisions that may apply to one's farming operation can be complex and confusing. NRCS is committed to ensuring impacted persons receive high quality service and the information necessary to comply with the policies and regulations of the program or programs in which they apply and will strive to minimize administrative burden.

NRCS provides one-on-one, personalized advice on the best solutions to meet the unique conservation and business goals of those who grow our nation's food and fiber.

NRCS works with all types of agricultural producers, including non-traditional producers, such as organic and urban farmers; underserved audiences, such as veterans and beginning farmers; tribes and individual tribal members.

NRCS helps people make investments on their farming operations and local communities to keep working lands working, boost rural economies, increase the competitiveness of American agriculture, and improve the health of our air, water, soil, and habitat.

NRCS generates, manages and shares the data, technology and standards that enable partners and policymakers to make decisions informed by objective, reliable science.

## **AUDIENCES**

EMPLOYEES	NRCS employees – national, state and local offices Other USDA employees within the Farm Production and Conservation (FPAC) mission area. Focus will be on effective messaging and strategies to reach underserved audiences
HISTORICALLY UNDERSERVED AGRICULTURAL AUDIENCES	Beginning Farmer/Ranchers Veteran Farmer/Ranchers Socially Disadvantaged Farmer/Ranchers Minority farmer/rancher organizations Women-owned farmer/rancher organizations

TRIBES	Native American Tribes across the United States Bureau of Indian Affairs Tribal interest organizations such as Intertribal Agriculture Council
NGOS/NON-PROFITS	Non-governmental organizations and Universities/Colleges including land grant Universities with a focus on underserved audiences and tribes. Examples include: Farmer Veteran Coalition, tribal colleges, 1890, 1994 colleges, minority serving institutions
AGRICULTURAL PRODUCERS	Farmers Ranchers Non-Industrial Private Forest Owners
SWCD-RELATED PARTNERS	National Association of Conservation Districts National Associations of RC&D Councils National Association of State Conservation Agencies National Conservation Employee Association Soil and Water Conservation Districts
STATE and FEDERAL PARTNERS	State Departments of Agriculture; Fish and Wildlife/Game; Forestry; and other natural resource-related agencies  Federal agencies related to natural resources management, including but not limited to:  U.S. Fish and Wildlife Service Bureau of Land Management U.S. Army Corps of Engineers Bureau of Reclamation NOAA National Marine Fisheries USDA Farm Service Agency USDA Forest Service USDA Risk Management Agency Other USDA Agencies
NEWS MEDIA	National, regional and local news media outlets across the country that focus on underserved agricultural producers and tribes; as well as Ag-specialty publications and ag radio.

## COMMUNICATIONS

NRCS uses all forms of written, social media, and traditional media to effectively communicate with our historically underserved customers. NRCS produces numerous pamphlets, documents, press releases, memorandums, and displays in a variety of languages. To date, 20 States have published NRCS information in different languages. The most common language is Spanish. These have also been translated into Russian, Hmong, Korean, Vietnamese, Mandarin, Japanese, Portuguese, and some Tribal languages.

NRCS's social media presence continues to improve. YouTube videos have been produced in Spanish and Korean. The agency also uses its Twitter account to post messages in Spanish. NRCS's

Facebook account can be used for messages in other languages as well.

NRCS will utilize Agency and State websites to provide up-to-date, accurate information about programs available and program signup dates so that our constituents are well informed.

NRCS will continue to utilize the communications methods described above along with weekly e-newsletters to disseminate information programs and services and other information so that our constituents are well informed.

NRCS will communicate with partner groups regularly via email so that can receive targeted updates of important information quickly and uniformly.

NRCS will work collaboratively with other USDA agencies to develop materials and host outreach webinar sessions that will provide a consistent and focused message while maximizing multiple distribution channels and audiences. Products will be formatted and refined by agency Public Affairs Staffs. Once products are developed and approved, they will be disseminated simultaneously to each agency's audience, as well as to the public.

**Alignment with NRCS Communications Plan:** Outreach efforts identified in this strategy will align with communications goals and tactics identified in the NRCS Communications Strategy. Communications products will be coordinated through appropriate public affairs staff within the FPAC External Affairs Division.

### **Group Outreach**

NRCS Outreach will work collaboratively with the External Affairs Division to ensure consistent messaging and top-quality materials that will effectively engage underserved audiences. NRCS will provide adequate services to existing and new partnerships in a way that is both mutual and beneficial to the agency's goals and objectives. This effort should reflect that everything we do aligns with the Secretary's mission and Farm Bill.

NRCS will continue to partner with community-based organizations, Soil and Water Conservation Districts, and other entities to increase the number of individuals providing information to constituents in a timely fashion. NRCS enters into contribution agreements to expand outreach activities at the local level with our core conservation partners: National Association of Conservation Districts, National Associations of RC&D Councils, National Association of State Conservation Agencies and National Conservation Employee Association. NRCS will collaborate with the 1890, 1994 and Land Grant Colleges and Universities on ways to expand outreach to historically underserved constituents and communities.

NRCS Outreach & Partnerships Division will engage in and advance environmental justice strategies and priorities by cultivating stronger partnerships with community-based organizations, Federal agencies and other stakeholders, to address environmental challenges and issues in vulnerable and persistent poverty communities and populations.

NRCS will participate to the extent possible in external meetings, conferences and expos to disseminate program information to historically underserved individuals and groups. NRCS will

utilize the existing professional employee organizations as medians for reaching historically underserved customers.

NRCS will continue to explore opportunities to engage historically underserved producers in environmental markets and conservation finance opportunities, tapping into new revenue streams and sources of private capital for producers.

NRCS will collaborate and implement technical assistance strategies for coordinating a more effective outreach to community base organizations and grass root organizations. That will engage new beginning farmers, historically underserved, Social Disadvantaged Farmer and Ranchers, limited resource, veterans, etc. in aiding from State, field and local level to set goals and objectives on conservation practices and benefits.

NRCS Outreach & Partnership Division will seek to provide a better understanding and public awareness of the general knowledge and basic benefits of USDA NRCS conservation programs by working in unison with the Department's Office of Partnership and Public Engagement and NRCS State and Field staff.

NRCS Outreach & Partnership Division will/or should engage staff in partnership outreach efforts by connecting USDA programs to communities while collecting data and input from farming communities to help USDA better serve their customers' needs in conservation.

### **Tribal Government Relations and Impact Statement**

NRCS provides conservation programs and technical services to American Indians, Alaska Natives and Tribal governments. This is done through 45 full-time and 30 part-time field offices on Indian lands and through numerous other field offices located off Indian lands. Working with the Indian Nations Conservation Alliance (INCA) NRCS has assisted with the establishment of 54 Tribal Conservation Districts and 4 State Tribal Conservation Advisory Councils.

- **Regional Tribal Conservation Advisory Councils.** In order to strengthen working relationships with Indian Tribes, NRCS established three (3) advisory councils in 2012. The Agency uses the Councils to assist in establishing regular and meaningful consultation and collaboration with Tribal representatives and officials in the development of Federal policy that has Tribal implications. The Councils assist NRCS's Chief, Regional Conservationists, and State Conservationists in strengthening government-to-government relationships and clarifying lines of communication and consultation with American Indian Tribes. Each Council holds three (3) meetings annually.

**Overview:** NRCS administers conservation programs and technical assistance to American Indians and Alaska Natives (AIAN) and adheres to all Executive Orders concerning government-to-government relations fulfilling the agency's trust responsibility to Tribes and Tribal individuals. NRCS has made a concerted effort to improve the USDA conservation program delivery and technical assistance to AIAN provided by NRCS offices nationwide.

NRCS enters into grant, cooperative and contribution agreements with Tribal organizations that can help NRCS improve working relationships with Indian tribes and works closely with other USDA

agencies to promote a seamless delivery system to conservation programs.

**Indian Country:** NRCS has been working in Indian Country for a quarter century. In 1980, NRCS opened their doors to Tribal lands, providing programs and technical services to AIAN and Tribal governments. Currently NRCS has 45 full-time and 30 part-time field offices on Indian lands. There are approximately 150 NRCS Tribal liaisons serving 573 Federally-recognized tribes. The Agency has over 300 AIAN employees. To-date, the Secretary of Agriculture has entered into mutual agreements with 54 Tribal Conservation Districts, including 19 in Alaska.

**Purpose and Policy:** In furtherance of the unique status of Indian Tribes, their members, and the government-to-government relationship between the United States and Indian Tribes, the NRCS has developed policy to provide guidance for interactions with Indian Tribes and their members.

- NRCS, as a federal agency, acknowledges the trust responsibility relationship between the federal government and Indian Tribes as established by specific statutes, treaties, court decisions, executive orders, regulations and policies.
- NRCS will consult and work with Indian Tribes before making decisions or implementing policy, rules or programs that may affect an Indian Tribe to ensure that Tribal rights and concerns are addressed.
- NRCS will identify and take appropriate steps to remove impediments to working directly and effectively with Indian Tribes.
- NRCS will work with other federal agencies and other governmental or non-governmental entities to further the goals of this policy.
- NRCS will work with Indian Tribes to achieve their goal of self-sufficiency.

**Partnerships:** As tribes move into more active roles of land management and use the authorities available to them, NRCS will work to increase the opportunities for them to benefit from NRCS programs and help NRCS benefit from the tribal interactions. The AIAN has always been involved in the stewardship of their ancestral lands. NRCS shares these values and knows that mutual respect is the key ingredient to further government-to-government relations. The tribes have a rich heritage in the knowledge of land, water, wildlife, air, and soils; and NRCS works to partner this knowledge with its own. NRCS also established agreements with Indian Nations Conservation Alliance (INCA), Intertribal Agricultural Council (IAC), American Indian Higher Education Consortium (AIHEC), United South Eastern Tribes, Inc. (USET), First Nations Development Institute (First Nations), Indigenous Food and Agriculture Initiative (IFAI) and many others to further our presence in Indian Country.

#### **Tribal Impact Statement**

Pursuant to EO 13175, there is no negative impact for American Indians, American Indian tribes, and tribal entities.

#### **F. Barrier Removal Provisions**

The following barriers to participation have been identified based on participant feedback in past focus groups and listening sessions: there is a distrust of the federal government because of past class action cases; absence of a clear land title or the inability to demonstrate control of the land for enrollment purposes; lack of funding based on the cyclical application process; a desire for a higher cost share from the government for limited resource and minority participants; complaints about non-responsive field offices and non-utilization of technology allowing farmers to conduct business with the agency from the farm; non-compliance with receipt-for-service requirements; inconvenient



office hours and service locations; lack of diversity in the workforce; delays due to contract modifications; a desire to expand projects covered; unique challenges faced by American Indians because of their government-to-government relationship with the federal government and their unique way of operating.

The National Outreach Division is requesting that State Outreach Program Managers further analyze these issues above so that they can develop more targeted approaches to outreach and increased participation. They have also been requested to incorporate feedback gleaned from 2018 Farm Bill Listening Sessions.

The Civil Rights and EEO Division is also working with the regional conservationists and have arranged to monitor state outreach plans and progress towards meeting measurable milestones by issuing a bi-annual call letter to the states requesting status reports.

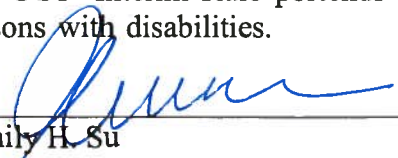
## **G. Conclusion**

The civil rights review of the Interim Rule discloses no disproportionate or adverse impacts for minorities, women, or persons with disabilities. The data presented indicates producers who are members of the protected groups have participated in NRCS conservation programs at parity with other producers. Specific program outreach efforts target groups such as American Indian tribes. NRCS's partnerships with local working groups and Conservation Districts, as well as the USDA Office of Tribal Relations, have increased participation in NRCS financial assistance programs.

Upon review of the historical participation data, it is reasonable to conclude that NRCS programs, including the CSP, will continue to be administered in a non-discriminatory manner. Outreach and communication strategies are in place to ensure all producers will be provided the same information to allow them to make informed compliance decisions regarding the use of their lands that will affect their participation in USDA programs. CSP applies to all persons equally regardless of their race, color, national origin, gender, sex, or disability status. Therefore, the CSP Rule portends no adverse civil rights implications for persons of any gender, racial or ethnic group or with a disability.

## **H. Certification**

I certify that the review and analysis of the 2018 CSP Interim Rule has been conducted in accordance with DR 4300-4, "Civil Rights Impact Analysis"; 7 C.F.R. part 15, "Nondiscrimination in Programs and Activities Conducted by USDA"; and DR 1512-1, "Regulatory Decision-Making Requirements." The CSP Interim Rule portends no adverse civil rights implications for women, minorities, and persons with disabilities.

  
\_\_\_\_\_  
Emily H. Su  
Director  
Civil Rights and Equal Employment Opportunity Division  
Farm Production and Conservation Business Center

11/14/19  
\_\_\_\_\_  
Date\*

\*Original CRIA was signed on 7/11/19. This CRIA was updated to include data on Hispanic Operators. See page 5.